IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 24260 of 2004

Between:

M/s. Bharathi Soap Works, 11/26, Gorantla, Guntur,
rep by its Proprietor, Mr. A. Manickavel.

..... PETITIONER

AND

The Assistant Commissioner (CT), Intelligence, No.II Division, Guntur.

....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ or order or direction declaring the action of the Respondent in collecting compounding fees of Rs.1,26,220/- towards the alleged shortage of raw material and excess stock of finished goods pursuant to the inspection conducted on the 13th & 14th October, 2004 as illegal, arbitrary, highhanded and without jurisdiction and consequently direct the Respondent to refund the amount of Rs.1,26,220/- to the petitioner forthwith or in the alternative declare the collection of compounding fee of Rs.1,26,220/- at twice the amount of alleged tax due as contrary to Section 32 of the Act and direct the Respondent to refund the amount collected in excess of Rs. 3,000/- to the petitioner.

Counsel for the Petitioner: MR.S.DWARAKANATH

Counsel for the Respondent: SRI K.RAJI REDDY, SPECIAL STANDING

COUNSEL FOR COMMERCIAL TAXES

The Court made the following:

THE HONOURABLE SRI JUSTICE B. SUDERSHAN REDDY

AND

THE HONOURABLE SRIJUSTICE C.V. RAMULU

WRIT PETITION No.24260 of 2004

ORDER: (Per BRSR,J)

Concededly, the subject matter that arises for consideration in this writ petition is squarely covered by the judgment rendered by this Court in ***AMBICA LAMP HOUSE, RAJAHMUNDRY*** v . ***COMMERCIAL TAX OFFICER (INT)-I ENFORCEMENT, HYDERABAD***.

Following the said decision, this writ petition is also disposed of in terms of the said judgment.

However, it is made clear that the evidence or material, if any, gathered by the Commercial Tax Department during the course of investigation, can always be utilized for proceeding further in the matter in accordance with the provisions of the A.P. General Sales Tax Act and the Rules framed thereunder.

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B. SUDERSHAN REDDY, J.

Date: 27/04/2005

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C.V. RAMULU, J.

GS/GRR

To

1. The Assistant Commissioner (CT), Intelligence, No.II Division, Guntur.

2. Two C.D. Copies.